

# BOARD OF CODE STANDARDS AND APPEALS

## MINUTES

March 7, 2005

**Members:** Francisco Banuelos, Andy Bias, Randy Harder, Richard Hartwell, Bernie Hentzen, Ed Murabito, Warren Willenberg, Scot Wolfington, John Youle

**Present:** Banuelos, Harder, Hartwell, Hentzen, Murabito, Willenberg, Wolfington, Youle

**Absent:** Bias

**Staff Members Present:** Deb Legge, Maria Bias, Elaine Hammons, Kurt Schroeder

The regular meeting of the Board of Code Standards and Appeals was called to order by Chairman Wolfington on Monday, March 7, 2005, at 1:30 p.m. in the 1st floor Board Room, City Hall, 455 N. Main, Wichita, Kansas.

### 1. Approval of the Minutes from the February, 2005, meeting.

A motion was made by Board Member Hartwell, seconded by Board Member Banuelos, to approve the minutes of the February meeting as submitted. Motion carried.

### 2. Approval of the March, 2005, license examination applications.

<u>Name</u>	<u>Class</u>	<u>Test Date</u>
Jim Hollinger	Roofing & Siding	March, 2005

A question was raised regarding the license examination applicant's workman's compensation insurance. Mr. Schroeder explained that since the applicant is a sole proprietor with no employees, the State of Kansas does not require him to obtain workman's compensation insurance. Mr. Schroeder assured the Board that the proper documentation, either the certificate of insurance or a waiver, would be submitted before a license would be issued.

Board Member Hartwell made a motion to approve the application for testing. Board Member Willenberg seconded the motion. Motion approved.

### 3. Condemnation Hearings

#### Review Cases

1. 2917 E. Stadium

Pablo Rodriguez appeared to represent this property.

Ms. Legge told the Board that at the time of the February 7, 2005, hearing the property had recently been sold to Mr. Rodriguez. A motion was made and approved at that hearing to allow the new owner to appear at the March 7, 2005, meeting to advise the Board on his schedule for making the necessary repairs and cleaning up the property.

The taxes are current. An inspection of the site on March 1, 2005, found some construction debris and tree limbs on the premises. New roof decking had been installed on the house, and the roofing and siding had been removed from the attached garage. The structure is open.

Board Member Banuelos translated for Mr. Rodriguez who told the Board that since the time that the pictures were taken on March 1, 2005, he had fixed the rear wall of the structure and that most of the debris had been removed. Mr. Rodriguez requested that the Board allow sixty days for him to complete the rest of the repairs.

Board Member Hartwell made a motion that Mr. Rodriguez be allowed sixty days to complete the repairs on the exterior and, in the meantime, keep the premises as clean and secure as possible. If the repairs are complete, there will be no need for Mr. Rodriguez to appear before the Board at the end of that sixty-day period. The motion was seconded by Board Member Willenberg. (At this time, Board Member Banuelos translated the Board's action to Mr. Rodriguez.) The motion carried.

2. 635 West Hendryx

Elizabeth Tejeda appeared to represent her mother who owns this property.

The taxes are current on this property. There was some construction debris on the premise at the time of the last visual inspection. It appeared that more roofing had been done, and it appeared that the structure is being maintained and secured. The recommendation from the Central Inspection staff was to allow a final thirty days for code compliance.

Chairman Wolfington asked Ms. Tejeda what her plans were for the property.

Ms. Tejeda said the front and rear porches and the yard have been cleaned up. The old playhouse in the back of the property is in the process of being dismantled. She said that her brother has borrowed a trailer to haul away the trash and debris, but in the meantime, the ice storm in January, 2005, occurred and left the trailer covered with branches. Ms. Tejeda said that once her brother finishes

repairing the roof, he plans to demolish the other side of the house. She said that the remaining structure will be used only for storage and will not be inhabited.

Responding to Chairman Wolfington's inquiry of when she expected the exterior of the structure to be in compliance with code, Ms. Tejeda said that she didn't know exactly how long the process would take. She explained that her mother was financially unable to hire someone to do the work; therefore, one of her brothers was actually doing the repairs. She said that part of the delay was due to the recent inclement weather.

Board Member Hartwell asked whether Ms. Tejeda's brother intended to reroof the entire structure. Ms. Tejeda said that she thought that her brother was only making repairs to the areas that needed them.

Board Member Youle asked Ms. Tejeda if she comprehended what exterior repairs that the City required and whether she had any idea what the total cost of the repairs would be. Mr. Youle expressed concern that the scope of the work required might be more costly than what Ms. Tejeda's mother could put into the repairs.

Ms. Tejeda said that her mother didn't want the structure completely demolished because of a sentimental attachment to the property. She indicated that after her mother passes, the property would likely be razed. In the meantime, Ms. Tejeda assured the Board that she and her brothers were attempting to bring the exterior into code compliance.

Asked by Mr. Hartwell why the brother who was doing the bulk of the work had not appeared with Ms. Tejeda, she explained that her brother's job made it difficult for him to take time off from work to attend. She told the Board that it was much easier for her to attend the meeting in behalf of her mother, and that she also had the Power of Attorney for her mother. She said she would ask her brother to write a letter to Deb Legge if the Board desired.

Ms. Tejeda said she understood that the soffits need to be fixed on the back entrance of the house, and that a portion of the house would be demolished and then a new wall would be built. Her brother told her that he could do that work himself and would obtain the necessary permit. She reiterated that it was not economically feasible to hire out the work.

The motion was made by Board Member Hartwell to allow until the April meeting to either complete the repairs or reappear before the Board to provide a schedule for the repairs. The motion was seconded by Board Member Youle. Motion carried.

3. 937 N. Wabash

Mr. Ivan Ray appeared to represent this property.

At the February 7, 2005, meeting, the Board approved a motion to allow Mr. Ray an additional thirty days to clean up the property and make the required repairs or the Board would recommend that the property go to the City Council for demolition action.

The taxes are current on this property. There are still tree limbs, bulky waste and construction debris present on the premises, along with a dumpster with trash and debris. More roofing has been removed from the south slope of the roof. The remains of the rear structure have not been completely removed. The permits for the sewer seal-off and the demolition have not been obtained, and the sewer pipes and vent stacks are still there. The main structure is secure.

Mr. Ray said that some of the debris has been removed and that a permit had been obtained for the seal-off. There was some confusion about how the demolished structure had been addressed, but once the address had been determined, the permit was issued. Mr. Ray said he also expected to finish the work on the roof within the next thirty days.

Chairman Wolfington reminded Mr. Ray that the motion that passed at the previous month's meeting was to have the repairs complete or the Board would recommend to the City Council that the structure be demolished. He said that to change the Board's recommendation would require a new motion. Chairman Wolfington presented the option to the Board for discussion.

Board Member Banuelos suggested that the Board adhere to the previous month's motion since very little work had been accomplished since that time. Board Member Youle agreed that further discussion was unnecessary. No new motion was made and the Board stayed with its original recommendation to send the property before the City Council with a recommendation of ten days to start and ten days to complete demolition.

Chairman Wolfington cautioned Mr. Ray that the chance of getting an extension from the City Council for making the repairs was even less likely than getting an extension from the Board. He advised Mr. Ray that he should complete the required repairs or sell the property before it went before the City Council.

Mr. Ray questioned the time frame in which the property would go before the City Council. Chairman Wolfington explained that it would probably be sixty days before the property was placed on the Council agenda. If the repairs are completed prior to that time, Chairman Wolfington told Mr. Ray that he could contact Ms. Legge and she would have the property removed from the condemnation list.

4. 1351 S. Gordon

John Hund appeared to represent this property.

This property was sold at public auction on January 20, 2005, with the sale expected to be finalized by February 21, 2005. At the February 7, 2005, meeting, a motion was made and approved to allow the new owner to appear at the March 7, 2005, meeting to provide a plan of action for the property, and to keep the property clean and secure.

The taxes are current. On March 1, 2005, staff from the Office of Central Inspection observed that there was still bulky waste, tires and tree limbs on the premises; however a crew was on site cleaning up. There had been no repair work done at that time, but the structure was being maintained and secure.

Mr. Hund provided pictures to the Board showing the additional repairs that had been completed. Within the two weeks since acquiring the property, Mr. Hund had brought the exterior of the structure into code compliance. He said that he had also contracted a licensed electrician to make the required repairs on the meter and service riser, and that repairs had also been done to the electrical box on the interior. The electrician had informed Mr. Hund that an inspection for the completed electrical work was scheduled for the following Tuesday or Wednesday. Mr. Hund anticipated that within thirty to forty-five days, the interior repairs would be finished and it would be ready for an inspection for minimum code compliance. He said that he intended to hire a plumber to install a new water heater and set a new toilet.

Board Member Hartwell asked what Mr. Hund intended to do with the carport that was still standing. Mr. Hund said that for the time being the carport would remain in place, although he might eventually have to reinforce it with cement on the side next to the house.

Board Member Youle made the motion to return the property to regular code enforcement. The motion was seconded by Board Member Harder. Motion passed.

**New Cases**

5. 1416 N. Lorraine

No one was present to represent this property.

This is a one-story, wood frame dwelling, approximately 24 x 38 feet in size; it has been vacant for at least two years. The concrete foundation is shifting; there is rotted and missing hardboard siding; it has exposed rotted framing members and rotted wood trim.

The active file was first started in June of 2003 with a Notice of Improvement and a Violation Notice to secure the structure. There was no response. An emergency board-up was done in July of 2003 at a cost of \$114.09. In October of 2003 a pre-condemnation letter was sent and received no response. In February of 2004 a Notice of Violation to secure the property was sent and received no response. In March of 2004 another emergency board-up was done at a cost of \$77.89. A pre-condemnation letter was sent in April, 2004, and again in November, 2004; there was no response in either case. Formal condemnation action began in January of 2005.

The taxes for 2003 and 2004 are delinquent. There are tree limbs on the premises. No repairs have been made; however, the structure is secure.

A motion was made by Board Member Murabito to send the property to the City Council with a recommendation for ten days to start and ten days to complete demolition. The motion was seconded by Board Member Willenberg. Motion carried.

#### 6. 1432 N. Lorraine

There was no one present to represent this property.

This is a one-story frame dwelling, approximately 28 x 38 feet in size. This structure is vacant and open, with cracking and shifting basement walls. The wood lap siding and wood trim are deteriorated; the front porch is also deteriorating. The carport is dilapidated.

In January of 2002, a field file was started with a Notice of Improvement and Notice of Violation. There was no response. Another Notice of Violation was sent in December of 2003, and a pre-condemnation notice was also issued. No response was received. A Notice of Violation was sent to the deceased owner's son. In August of 2004, a Notice of Violation to secure was sent, but there was no response. A Uniform Criminal Complaint was also issued in August of 2004, and the owner pleaded guilty. A pre-condemnation letter was sent in October of 2004, to which there was no response. An emergency board-up was done in October of 2004 at a cost of \$166.06. The taxes are delinquent for 2000, 2001, 2002, 2003, and 2004. The property is currently in tax foreclosure.

There are tree limbs on the premises. Although no repairs have been made, the structure is currently secure.

Board Member Harder made a motion to refer the property to the City Council for ten days to start and ten days to complete demolition. Board Member Hartwell seconded the motion. The motion was approved.

7. 1501 N. Fountain

No one appeared on behalf of this property.

Approximately 24 x 32 feet in size, this one-story, frame dwelling is vacant and open. The concrete foundation is cracking and shifting; the roof is badly deteriorated; there is broken vinyl siding; the concrete porch is cracked; there is rotted fascia and wood trim.

The original field file was activated in May of 1997. There have been numerous violation notices sent to the property owner since the initiation of this field file. To present, there has been no response. Taxes are delinquent for 2001, 2002, 2003 and 2004. There are tree limbs on the premises and no repairs have been made.

The motion was made by Board Member Hentzen to send the property to the City Council with a recommendation for ten days to start and ten days to complete demolition. The motion was seconded by Board Member Banuelos. Motion carried.

8. 1738 N. Grove

There was no one present representing this property.

This is a one-story, brick over frame dwelling about 25 x 33 feet in size. This is a vacant structure with shifting basement walls and a deteriorated roof. The front porch cover is deteriorated and leaks; the porch ceiling has rotted; there is rotted fascia and wood trim; the brick façade is pulling away from the walls.

In October of 2004, a Notice of Violation and a pre-condemnation letter were sent to the owner of record. The owner of record contacted the Office of Central Inspection and advised that the property had been repossessed years ago.

The taxes are delinquent for 1999, 2000, 2001, 2002, 2003 and 2004. The property is in tax foreclosure. The owner has filed bankruptcy.

The motion was made by Board Member Youle to refer the property to City Council for ten days to start and ten days to complete demolition. Board Member Harder seconded the motion. Motion carried.

9. 2427 and 2429 E. Shadybrook

There was no one appearing to represent this property.

This is a one-story, frame duplex, approximately 26 x 42 in size. The structure has a shifting block foundation; the roof is deteriorated and has shingles missing; there are exposed rafters; the wood lap siding is deteriorated; the wood trim is rotted. The building is vacant and open.

Board Member Harder made a motion to send the property to the City Council with a recommendation for ten days to start and ten days to complete demolition. The motion was seconded by Board Member Hartwell. Motion passed.

Board Member Banuelos asked why the Board couldn't refer some of the properties that have delinquent taxes to the County to recommend tax foreclosure. It was his opinion that the properties could be sold at auction, preventing some of them from progressing to such a dilapidated state.

Ms. Legge agreed that it would be better if the County would foreclose on the vacant properties with tax delinquencies rather than allow the properties to continue to deteriorate.

Mr. Schroeder informed the Board that the City Council had been involved in a workshop recently to look at some of the issues surrounding abandoned housing. The Council asked the City Law Department to work with the County in pursuing the possibility of having the abandoned properties in tax delinquency to be auctioned at tax sales to expedite the repairs that would be made by potential new owners. Ms. Legge also noted that she is working on a program to bring these vacant properties to the County to be auctioned in a more timely manner.

It was asked by Board Member Hartwell whether it would be considered ethical to notify some of the organizations that purchase deteriorated properties and repair them with the intent to sell them. Ms. Legge responded that the Office of Central Inspection does make the information available. Mr. Schroeder also mentioned that the list of properties are listed on the City of Wichita website as well as in the Wichita Eagle newspaper. He said that the information is also sent to various non-profit organizations. Mr. Schroeder said the City Council was also investigating the State laws that might permit the City to transfer the deeds of these types of abandoned properties, if it is possible to rehabilitate them, to organizations such as Historic Midtown if the owner does not step forward within a designated period of time. The idea is to put the properties into the hands of someone who might save them rather than follow through with demolition.

The use of a vacant property for storage was brought up by Board Member Murabito. He asked what the Board's position was in that instance. Mr. Schroeder said that using the structure for personal storage was allowed, as long as it didn't involve using it for commercial purposes; any concern for that type of use would ultimately be a zoning issue and not a matter for the Board to act upon.



10. 1848 N. New York

No one appeared to represent this property.

Approximately 25 x 41 feet in size, this structure is vacant and has been badly damaged by fire. The concrete foundation is cracking; there is fire damage to the roof and to the vinyl siding; both the front and rear porches are deteriorated.

There are no insurance monies being held by the City on this property. The owner is deceased and owner's family has abandoned the property.

The motion was made by Board Member Harder to recommend to the City Council for ten days to start and ten days to complete demolition. Board Member Hentzen seconded the motion. The motion passed.

11. 772 N. St. Paul

12. 772 ½ N. St. Paul

Lillian Coleman and Regina Christner appeared as representatives of this property.

Ms. Legge described 772 N. St. Paul as a one-story, frame dwelling about 24 x 36 feet in size. The structure is vacant and open. There are missing siding shingles; a cracked front porch; and rotted fascia and wood trim.

The structure at 772 ½ N. St. Paul is a two-story, frame dwelling about 18 x 20 feet in size. This structure is vacant and open. The concrete foundation is cracking; the wood trim is deteriorating; additionally, the 8 x 15 and 12 x 16 foot accessory buildings are also deteriorated. The active cases for these properties were started in August, 2000.

The taxes for 2002, 2003, and 2004 are delinquent in the amount of \$3,113.83, the amount including both structures. There are tree limbs on the premises and no repairs have been made; both structures are secure.

Ms. Coleman said the property had been cleaned up and the structures secured at one time, and the area housing inspector had been out to look at the property and approved it to remain as a vacant building. Since that time, Ms. Coleman believes that vandals had kicked in the doors.

There are five owners, all siblings, who inherited the property from their father. Ms. Coleman said that the owners are in the process of negotiating so that only one of the siblings will own the property, and that individual is also working toward financial stability to allow him to make improvements to the structures. She said that her older brother's goal is to tear down the buildings and erect new structures. Ms. Christner added that the intent was to clean up the premises and board the windows again. She said that older brother had applied for a loan to

pay the delinquent taxes and make some improvements. She said that she thought the loan process would be handled quickly.

Ms. Coleman said that an apartment that was on the property had been repaired and had been taken off the condemnation list approximately a year ago.

Chairman Wolfington expressed that one of the Board's concerns was that the delinquent taxes be paid. He said that having the taxes current is a major consideration for any extension that the Board might allow. He told Ms. Coleman and Ms. Christner that the buildings looked fine overall and merely appeared to have been vandalized. He said he understood their dilemma in how difficult it is to oversee the structures while they were vacant, but that the buildings had to be kept secured.

Ms. Coleman said the premises would be cleaned up and secured and the taxes paid. Ms. Christner said they would try to accomplish that within a month.

Board Member Youle made a motion to allow thirty days for the property to be secured and the taxes paid. If those things are done, there would be no need to appear before the Board at the April board meeting. Board Member Hartwell seconded the motion. Motion carried.

13. 1317 S. Osage #1
14. 1317 S. Osage #2
15. 1317 S. Osage #3

No one appeared to represent these properties.

Ms. Legge told the Board that she had recently talked with the owner of these properties and that one of the mobile homes had already been removed. The owner indicated that he had arranged for Kansas Can to remove the two remaining mobile homes within a two-week period.

Board Member Harder made the motion to allow until the April Board meeting for the removal of the mobile homes or to recommend the properties to the City Council for ten days to start and ten days to complete the demolition. The motion was seconded by Board Member Banuelos. The motion carried.

The meeting was adjourned at 2:15 p.m.